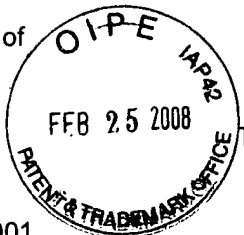


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of



Atty JRL-2789-35

Dkt.

C# M#

HORN et al.

TC/A.U. 2623

Serial No. 09/780,416

Examiner: Shang, Annan Q.

Filed: February 12, 2001

Date: February 25, 2008

Title: METHOD AND SYSTEM FOR CONTROLLING A PROCESSING OF VIDEO DATA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number	
previously paid for	20	(at least 20) =	0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	0	minus highest number	
previously paid for	3	(at least 3) =	0 x \$210.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$370.00 (1203)/\$185.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension	\$120.00 (1251)/\$60.00 (2251)
Two Month Extensions	\$460.00 (1252)/\$230.00 (2252)
Three Month Extensions	\$1050.00 (1253)/\$525.00 (2253)
Four Month Extensions	\$1640.00 (1254)/\$820.00 (2254)
Five Month Extensions	\$2,230.00 (1255)/\$1115.00 (2255) \$ 1050.00

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee	\$180.00 (1806)	\$	0.00
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Assignment Recording Fee	\$40.00 (8021)	\$	0.00
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Other: Request for Reconsideration		\$	0.00
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TOTAL FEE \$ 1050.00

☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
JRL:maa

NIXON & VANDERHUYE P.C.
By Atty: John R. Lastova, Reg. No. 33,149

Signature: _____

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HORN et al.

Atty. Ref.: 2789-35; Confirmation No. 8129

Appl. No. 09/780,416

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For: METHOD AND SYSTEM FOR CONTROLLING A PROCESSING OF VIDEO DATA

* * * * *

February 25, 2008

Box AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In response to the official action dated August 23, 2007 (for which a three month extension of time is respectfully requested with February 23, 2008 falling on a Saturday), Applicants respectfully request reconsideration.

Applicants again respectfully request that the Examiner acknowledge consideration of the foreign patent documents cited in the Information Disclosure Statement specifically filed on June 11, 2001. An initialed copy of the 1449 for that specific IDS is requested.

Claims 1-3, 5, 8-10, 12-17, 20, 25-28, and 30-32 stand rejected under 35 USC §103 as being unpatentable over Kalra in view of Christopoulos. Claims 4, 16, 18, 19, 21-24, 29 and 33-36 stand rejected under 35 USC §103 as being unpatentable Kalra in view of Christopoulos and further in view of Sen. These rejections are respectfully traversed.

The Christopoulos patent publication was published on November 29, 2001 after the February 18, 2000 priority date for the instant application. Accordingly, the Christopoulos U.S. patent publication can only be prior art under 35 USC §102(e)/103. But it is not prior art because 35 USC §103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In this application, both the Christopoulos patent publication and the instant application are assigned to Telefonaktiebolaget LM Ericsson. Moreover, at the time the claimed invention was made, the Christopoulos patent publication in the claimed invention were subject to a obligation of assignment to Telefonaktiebolaget LM Ericsson. Accordingly, the Christopoulos patent publication is not prior art and cannot be used in the rejections. See MPEP §§2137.02 and 2146. The rejections are improper and should be withdrawn.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100